**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4632 OF 2005.**

Kalyan Dombivli Municipal Corporation, Kalyan. ... Petitioner.

V/s.

Mrs.Nandini Ganpat Borhade ... Respondent.

I.R.Kulkarni for the petitioner.

R.D.Oak for the respondent.

**CORAM: V.C.DAGA, J.**

**DATED: 25th April 2006.**

**P.C.:**

. Heard learned counsel for the petitioner.

. Perused petition.

2. This petition is directed against the order dated 6th April, 2005 passed in Complaint (ULP) No.280 of 2002 by the Industrial Court, Thane directing the Corporation to confer status and privileges of permanent employee on the respondent/complainant, in the post of peon from 1st August, 2001 with further direction to pay all monetary benefits to the respondent with retrospective effect within a period of one month from the date of the order.

3. Mr.Kulkarni, learned counsel for the petitioner- Corporation submits that the respondent is an adhoc employee. She did not come in the employment of the petitioner- Corporation after having gone through the gamut of regular selection process; as such she cannot claim permanency.

4. It is not in dispute that the respondent is working as peon, since 8th August, 1996. It is also not in dispute that sanctioned permanent post is lying vacant. It is also not in dispute that the petitioner- Corporation has not taken any steps to advertise the said post or get the candidate following the prescribed procedure. In the circumstances, petitioner- Corporation cannot be heard of saying that they will keep the permanent sanctioned post vacant and appoint an employee on adhoc basis for years together, and shall not confer status and privileges of permanent employee taking stand that the employee has not come in the employment through the selection process.

5. The petitioner as a model employer was not expected to employ the employees on adhoc basis for years together and keep the permanent post

vacant.

6. The complainant/ respondent herein has worked on the post of peon for almost more than 10 years. It will be unjust to keep her on adhoc basis for all the time to come, especially when there is no intention on the part of the petitioner- Corporation to get candidate selected following due procedure and rules.

7. Considered in this back drop, the view taken by the court below is a reasonable an possible view. This is not a fit case; wherein this Court should interfere with the impugned order under its writ jurisdiction. This Court is not expected to substitute its own view, especially, when no perversity in the impugned order is demonstrated.

8. In the result, petition is dismissed in limine with no order as to costs.

**(V.C.DAGA, J.)**